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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case No. 3:25-cv-03698-SI

**DEFENDANTS' ADMINISTRATIVE
MOTION FOR STAY OF DEADLINES
AND PROCEEDINGS IN LIGHT OF
LAPSE OF APPROPRIATIONS**

1 The United States of America hereby moves for a stay of deadlines and proceedings,
2 including Defendants' ongoing discovery efforts, in the above-captioned case.

3 1. At the end of the day on September 30, 2025, the appropriations act that had been
4 funding the Department of Justice expired and those appropriations to the Department lapsed.
5 The same is true for the majority of other Executive agencies, many of which are defendants in
6 this case. The Department does not know when such funding will be restored by Congress.
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8 2. Absent an appropriation, Department of Justice attorneys and most employees of
9 the Federal Defendants are prohibited from working, even on a voluntary basis, except in very
10 limited circumstances, including "emergencies involving the safety of human life or the
11 protection of property." 31 U.S.C. § 1342.
12

13 3. Undersigned counsel from the Department of Justice therefore requests a stay of
14 deadlines and proceedings in this case until Congress has restored appropriations to the
15 Department. This includes Defendants' discovery obligations in this case (i.e., concerning
16 collection and production of potentially responsive materials, in addition to ongoing conferrals
17 with Plaintiffs' counsel), which require extensive efforts of numerous employees, including
18 attorneys and e-discovery support staff, at each of the 25 agency defendants in this case; the
19 case-management conference currently set for October 17, 2025, *see* ECF #262; and any new
20 joint case-management statement due in advance of that case-management conference, *see id.*
21 Counsel for the Government also notes that given the posture of this case, substantial work by
22 numerous employees from each of the 25 defendant agencies is necessary, and if this motion is
23 denied, the work needed from those agencies to meet current deadlines and obligations may not
24 be possible.
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1 4. If this motion for a stay is granted, undersigned counsel will notify the Court as
2 soon as Congress has appropriated funds for the Department. The Government requests that, at
3 that point, all current deadlines for the parties be extended commensurate with the duration of the
4 lapse in appropriations—i.e., each deadline would be extended by the total number of days of the
5 lapse in appropriations.
6

7 5. Opposing counsel has authorized counsel for the Government to state that
8 Plaintiffs oppose this motion and “reserve the right to file a response upon review of the
9 motion.”
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11 Therefore, although we greatly regret any disruption caused to the Court and the other
12 litigants, the Government hereby moves for a stay of deadlines and proceedings in this case until
13 Department of Justice attorneys are permitted to resume their usual civil litigation functions.
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1 Dated: October 1, 2025

Respectfully submitted,

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14 *Counsel for Defendants*

DECLARATION

I, Cesar Azrak, provide the following declaration:

1. I am an attorney with the Federal Programs Branch in the Civil Division of the United States Department of Justice. I am co-counsel on this matter, and make this declaration in support of Defendants' Administrative Motion for Stay of Deadlines and Proceedings in Light of Lapse of Appropriations.
2. I have been informed that, due to a lapse in appropriations, I have been placed in furlough status.
3. On October 1, 2025, I contacted Plaintiffs' counsel regarding this motion. Plaintiffs responded asking the Government to state, in the motion, as follows:
"Plaintiffs oppose the motion and reserve the right to file a response upon review of the motion."
4. I declare, under penalty of perjury, that the factual assertions contained in this declaration and in the accompanying motion are true and correct to the best of my knowledge.

s/ Cesar Azrak
Cesar Azrak
Trial Attorney